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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/511,986

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01/30/2008

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EXAMINER

NADAV, ORI

ART UNIT

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VERNON M. WILLIAMS

Application 09/511,986

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences (BPAI) on January 9, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed a Supplemental Appeal Brief on February 9, 2005.

Appellant's "SUMMARY OF CLAIMED SUBJECT MATTER" on page 6 of the Brief is a short description of the subject matter involved in the claims on appeal and points to a page, line numbers and figure location generally. However, it does not contain a **concise explanation** of, nor does it **specifically map** the subject matter of **each** of the **independent claims** to its location in the specification as outlined above. A more precise Summary of the Invention is required. Correction is required.

MPEP § 1205.03 states:

When the Office holds the brief to be defective solely due to

appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).

An additional matter that requires the Examiner's attention before returning the application to the BPAI is the Information Disclosure Statement (IDS) filed by Appellant on March 11, 2004. It is not clear from the record whether the form PTO/SB/08A of the IDS has been considered by the examiner because the form has not been signed and dated nor have the references thereon been initialed or a line drawn through them to indicate consideration/non-consideration of same. Consideration is required.

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Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on February 9, 2005 defective;
- 2) notify Appellants to file a paper providing a revised Summary of the Claimed Subject Matter as required by 37 CFR 41.37(c)(1)(v);
- 4) properly consider the IDS filed March 11, 2004 and notify Appellants of such consideration; and
- 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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vsh

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